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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,542	05/22/2001	Robert Alan Reeves	STEV-109	1268

7590 12/24/2002

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 12/24/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application N .

09/862,542

Applicant(s)

REEVES ET AL.

Examiner

Victor S Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 16-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Rejections not maintained are withdrawn.

### ***Election/Restrictions***

3. Applicant's election with traverse of Group I in Paper No. 5 is acknowledged. The traversal is on the ground(s) that the transfer would have no utility apart from rotational molding. This is not found persuasive because the transfer label can be used as a heat transfer label in a flat laminating mold, or alternatively a transfer label in blow molding.

The requirement is still deemed proper and is therefore made FINAL.

### ***Response to Amendment***

4. Claims 1-3, 6-8 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brandt (US 3108850) either individually, or in view of Markar et al. (US 5908694).

For claims 1-3 and 8, Brandt's invention is directed to an article for in-mold labeling polyolefin containers (column 1, lines 10-18). In Fig. 4, the label is shown as made of a plastic part 23 and an insulating part 25 (column 3, lines 69-71). The attachment of the label to the mold may be accomplished in any of various ways but, in

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the preferred form, moisture is applied to the outer side (i.e., part 25) and the label is forcefully attached against the mold wall (column 3, lines 1-6). The softening of the surface of the plastic part 23 by the higher temperature of the container is sufficient to produce a firm bond with the container as shown in Fig. 5 at 23a (column 4, lines 22-26). It is noticed that although Brandt teaches the attachment of label to mold wall may be accomplished in any of various ways, he lacks specific teachings of attaching the thermal bondable (or heat activatable) label via a "transfer" label assembly. However, it is believed that "transfer" label is old and well known, and it would have been obvious to one of ordinary skill in the art to modify Brandt's label as a transfer label, motivated by the desire to improve the consistency of in-mold label attachment. Alternatively, Markar's invention is directed to a heat-transfer label for use on untreated polyethylene surfaces and the like (column 1, lines 4-6). In Fig. 2, Markar teaches a heat-transfer label 111 comprises a support portion 113 and a transfer portion 121. Transfer portion 121 preferably includes a protective lacquer layer 123 directly on top of a portion of wax release layer 115, and an ink design layer 125 printed onto a desired area of lacquer layer 123. The heat-activatable adhesive layer 127 is coated over the design layer 125 and onto a surrounding portion of wax release layer 115 (column 10, lines 6-18). Markar also teaches various example compositions to be used as layer 123 (column 10, line 52 to column 11, line 39) which contains an adhesion promoter for adhering layer 123 to layers 125, 127, and 115 (column 10, lines 18-22), while it is releasable from layer 115 upon heat transfer operation. As such, it would have been obvious to one of ordinary skill in the art of transfer label to modify Brandt's label to implement the transfer

assembly of Markar while placing the thermal bondable layer next to the support layer, and the adhesive, yet releasable, layer as the top layer, motivated by the desire to improve the label attachment operation.

For claim 6, Markar teaches a transfer label with encapsulated indicia coat, as shown in Figs. 1 and 2.

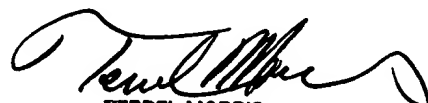
For claim 7, although Marker does not teach the specific composition of the indicia coat, it is believed that it is conventional and well known that the ink used for indicia coat in a heat transfer label is generally made of a mixture of hydrocarbon wax and colorant.

For claims 16 and 17, the adhesives of Brandt and Markar are polymeric materials. As such they are believed to be inherently hydrocarbon resin or wax.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
TERREL MORRIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700